

## **REMARKS**

### **Statement of Substance of Interview**

On January 23, 2006, Applicants' representative contacted the Examiner to request clarification regarding the indication of allowable subject matter in claim 8. Claim 8 depends from claim 18 which was rejected under 35 U.S.C. § 103(a) over Miyake in view of Kikitsu. In the telephone interview, the Examiner indicated that claims 8-10 were mistakenly left out of the rejection under 35 U.S.C. § 103(a) over Miyake in view of Kikitsu and were erroneously grouped with the claims containing allowable subject matter. Applicants thank the Examiner for this clarification.

### **Response to the Final Office Action**

Claims 8 and 10 have been canceled.

Claim 18 has been amended to delete the term "carbon black."

Upon entry of the Amendment, claims 2-7, 9, and 13-22 are all the claims pending in the application.

Claims 8-10, 18-19, and 21 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Miyake et al., U.S. Patent No. 5,079,096 ("Miyake"), in view of Kikitsu et al., U.S. Patent No. 6,602,620 ("Kikitsu").

The Examiner asserts that Miyake discloses a magnetic recording medium comprising a non-magnetic substrate, a primer coating formed on the substrate, and a magnetic layer formed on the primer coating. The Examiner acknowledges that Miyake is silent with respect to the use of CuAu or Cu<sub>3</sub>Au type ferromagnetic ordered phase (page 3 of the final Office Action).

The Examiner asserts that Kikitsu discloses a magnetic recording medium having a magnetic recording layer containing CuAu type ferromagnetic ordered phase, such as FePt (col. 9, lines 45-62).

The Examiner's position is that it would have been obvious to substitute the CuAu type alloys disclosed in Kikitsu for the Ba ferrite particles taught in Miyake.

Claim 18 has been amended to recite "...a conductive layer containing a conductive metal oxide...."

Miyake discloses a primer coating containing carbon black, but neither Miyake nor Kikitsu discloses a primer coating containing a metal oxide (col. 1, lines 44-51). Accordingly, Applicants submit that claim 18, and the claims depending therefrom, would not be anticipated or obvious over Miyake in view of Kikitsu.

In view of the foregoing, Applicants respectfully request that the Examiner reconsider and withdraw the rejection.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Appln. No.: 10/694,839  
Amendment under 37 C.F.R. § 1.116

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

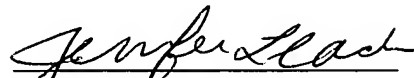
Respectfully submitted,

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**23373**

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